

REMARKS

Claims 1-6, 8 and 9 are pending. Claim 7 has been canceled without prejudice or disclaimer.

No new subject matter has been added to the application.

Claim 7 was rejected under 35 U.S.C. §112, first paragraph. Claim 7 has been canceled.

Claims 1-6, 8 and 9 were rejected under 35 U.S.C. §103(a) over German Publication 19936653 to Fleck in view of U.S. Patent 5,881,477 to Watson. Applicants respectfully contend this rejection improper.

Applicants contend the Examiner's exclusions in Fleck are the result of impermissible hindsight. The Fleck apparatus, teaching a holder of tubular or cylindrical bodies having "two wedge surfaces which are facing each other and which form a defined area on which the tubular container rests", *would be rendered unsatisfactory for its intended purpose* if those wedges are removed "so that the apparatus can accommodate different objects", as the Examiner argues. Applicants further contend that said wedge removal, with the removal of "the knobs or feet on the bottom surface of the [Fleck] apparatus [that] are not needed to support the apparatus on a [vehicle] surface", as the Examiner argues, *would result in a substantial decomposition, reconstruction and redesign* of the elements shown in Fleck, as well as a *significant departure from the basic principle* under which the Fleck construction was designed to function.

Applicants also contend that there exists in Fleck *neither the suggestion of nor the motivation for desirability to combine with Watson*. Fleck teaches a holder of tubular or cylindrical bodies on a motor vehicle. Watson teaches a snowshoe. A snowshoe can be

defined, for direct comparison, as a holder of a human foot on snow. Applicants contend a tubular or cylindrical body is not analogous to a human foot, and a motor vehicle is not analogous to snow.

Applicants also contend the combination improper because *the nature of the problems solved by Fleck and Watson is different*. Applicants contend Fleck resolves the rolling of tubular or cylindrical bodies on a motor vehicle, Watson the sinking of a human foot into snow with lack of adaptation to hold the foot.

Applicants contend the level of skill in the art cannot be relied upon to provide the suggestion to combine Watson with Fleck. Furthermore, in view of the foregoing arguments, *even if the improper combination occurs*, the current invention of claims 1-6, 8 and 9 does not result.

The prior art made of record and not relied upon has been reviewed but is not considered material to the patentability of the invention.

No fees are believed to be due with this response.

It should be noted that the above arguments are directed towards certain patentable distinctions between the claims and the prior art cited. However, the patentable distinctions between the pending claims and the prior art cited are not necessarily limited to those discussed above.

In view of the foregoing remarks and amendments, it is respectfully submitted that each rejection of the Final Action has been addressed and overcome so that this application is now in condition for allowance. The Examiner is respectfully requested to reconsider the application,

withdraw the rejections and/or objections, and pass the application to issue. Should questions arise during examination, the Examiner is welcome to contact the Applicant as listed below.

Respectfully submitted,



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FACSIMILE CERTIFICATION

I hereby certify that this correspondence is being sent via facsimile to Primary Examiner Anita M. King at (571) 273-8300 at the United States Patent and Trademark Office on September 26, 2005.


Michael G. Vieira